IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 813 of 2004

Between:

M. Pullaiah S/o Ramaya,
Conductor, E.No. 200757, APSRTC,

Torrur Depot, Warangal District.

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Warangal Region,

Warangal District
2 The Depot Manager, APSRTC., Torrur Depot,

Warangal District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandmaus declaring that the action of the respondents in not giving special Grade/Stagnation increment to the petitioner with effect from his completion of 12 years of service in APSRTC in total (All Regions) and counting the present Region's service of 12 years for 12 years Stagnation/Special Grade as bad, arbitrary, illegal, unjust and contrary to the circulars and contrary to the judgment WP 5726/00 of this Hon'ble Court and consequently direct the respondents to effect 12 years stagnation increment/special Grade to the petitioner on his completion of 12 years of service in two regions of the corporation.

Counsel for the Petitioner: MR.M.SUBBA REDDY

Counsel for the Respondents: Mr.K.Ravinder Kumar, SC APSRTC

The Court made the following :

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.813 OF 2003

ORDER:

Petitioner is initially appointed as conductor on daily wage basis with effect from 21.2.1986 at Jeedimetla Depot of Hyderabad City region. Subsequently his services were regularized in the post of Conductor with effect from 8.12.1987 in Kushaiguda Depot of Hyderabad City region. At the request of the petitioner, he was transferred to Warangal region on condition that he will be treated junior most in the Warangal region. The petitioner seeks a direction that he is entitled to Special Grade/Stagnation Increment with effect from his completion of 12 years of service as Conductor in A.P. State Road Transport Corporation including the service rendered by him at Hyderabad region as well as at Warangal region.

The respondents have not paid the Special Grade/Stagnation Increments to the petitioner by taking his service rendered in the Warangal region alone into consideration and without taking into account the service rendered by him at Hyderabad City region. The issue raised in this Writ petition is squarely covered by a judgment of this Court in Writ Appeal No.1301 of 2002, followed by several other judgments, wherein this Court has taken a view that merely because a Conductor is changed to from one region to another region, the nature of duty or the category will not change and as long as he continues to work in the same category of Conductor

his services as Conductor in all the regions has to be taken into account.

Having regard to the facts and circumstances of the case and in view of the ratio laid down in the above mentioned judgment, the petitioner is entitled for the Special Grade/Stagnation increment with effect from his completion of 12 years of service as Conductor in R.T.C. by counting his services of 12 years in all the regions as Conductor. Accordingly the respondents are directed to grant 12 years Special Grade/Stagnation Increment to the petitioner on his completion of 12 years of service by taking into account the service rendered by him at Hyderabad region as well as in the Warangal region and pass appropriate orders within four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly allowed. No order as to costs.

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(V.ESWARAIAH,J)

DT:07.10.2004.

Mdaa

COPY TO:

1 The Regional Manager, APSRTC, Warangal Region,

Warangal District

2 The Depot Manager, APSRTC., Torrur Depot,

Warangal District

3. Two C.D.copies.